UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Civil Case Number:

RODERICK Thomas Write the full name of the plaintiff) SEP 17 2024 S. ANGELAE ROBLE CLERKUS, DIST. CT. S.D. OF FLA W.P.B. SEP 17 2024 ANGELAE NOBLE CLERKUS, DIST. CT. S.D. OF FLA W.P.B.	
Write the full name of the defendant/s in this case)	
COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983	
. Party Information	
A. Plaintiff: RODERICK Thomas Address: 1348 MADISON CHASE APT 3 WPB. F1 33411 Inmate/Prison No.: BOS435	
Year of Birth: 79 (Do not include day or month, pursuant to Fed. R. Civ. P 5.2)	
(Write your name, address and prison/inmate number, if applicable)	
rs. Noderick Thomas	
B. Defendant: MICHAEL ROSAGO Defendant:	
Official Position: Patrol Official Position:	
Place of Employment: Police Department Place of Employment:	
(Write the full name of each defendant, official position and place of employment. Attach a separate page if you need additional space for additional defendants.)	

II. Statement of Claim

Briefly describe the facts of your case. Describe how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

his propagie causes affigured that he was coming down 600 block of 39th St transling east bound judgen he observed the defendant fact to stop 12th A Stop sign. However, of Resario test-likes At A suppression Hearing that he was in the relief way traveling North South when he seen the plaintiff comment the above interaction, which has body cam dichit capture wor documentars. Of Rosardo was under eath when he show A blathant despegant for the theuth in his probable causes affinant

III. Relief Requested

Briefly state what you are requesting from the Court (what do you want the Court to do). Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

THE Plant It Ask the court to AWARD him \$350K in prin	rve
damages, \$350K for violating of the Plaint Hd due process Rig	
350K in loss wages, \$350K in Compenhory dangers	,
350k in continuing damages, 90k in discretionized demo	2055
AND \$356Kin emotional-distress demages.	7 4

IV. Jury Demand	
Are you demanding a jury trial?	YesNo
	Signed this 17 ^M day of September, 20 29 Signature of Plaintiff
I declare t	under penalty of perjury that the foregoing is truce and correct.
	Executed on: $\frac{9-17-24}{}$ Signature of Plaintiff

_	OBTS Number		BLE CAU	SE AFFIDAVIT	1, Arrest 2, N.T.J		t for Warra et for Capia		JEVENKE
D 2 - 2		T PALM BEACH PO		Agency 9		2 <i>1-000.</i>	1947	•	
"	Check as many.	Misdemeanor 5.0	Ordinance Other						
DE	Name (Last, First, Middle)		Ales			Race	Sex	Date of Sirth	4070
-	THOMAS, RODERICK GERM	AINE		Charge Description		В	M	07/06/	1979
H	790.23(1A) POSSESS WEAPON OR A	MMO BY CONVICTED	FELON	790.07(2) POSSES	SION OF A	FEREAR	M DUR	ING FELO	NY
GE	Charge Description			Charge Description					
s	893.13(6)(A) COCAINE POSSESSIO	N OF COCAINE		893.13(6)(A) HER	OIN POSS	ESSION C	Sex	Date of Birth	
V	State Of Florida		-			1			
c	Local Address (Street, Apt. Number) (0	City) (Sta	ile)	(Zlp) ·	Phone		Add	ress Source	
i	Business Addrese (Name, Street)	City) (Stat	te)	(Zip)	Phone		Occ	upation	
M									
	The undersigned certifies and swears that he/she h	as just and resonable grounds to	believe, and de	oes believe that the above na	med Defendar	nt committed t	he follow	no violation of	iaw.
	The Person taken into custody committed the below acts in my preser	ice.	was o	bserved by WRITER	L				who tota
	confessed to		STA	TE	_that he/she		•		itt the below acts.
-	admitting to the below facts. On the 7 day of February	. 2021		und to have committed th			•	(described) i	nvestigation.
	On the	ai		(Specifically include fact	s constituting) cause for E	irrest.)		
	On Sunday February 7th,	2021 at approxi	mately	0242 hours,	I was c	perati	ng m	y marke	≥d.
1	WPBPD police vehicle (X2	067), and/drivi	ng east	t bound in the	e 600 b	lock o	£ 39	th Stre	et.
	While, I was traveling e								edes
R	Benz bearing Florida Tag								
В	Broadway Ave. I observed Broadway Ave. I conducte								
A B	violation. The following				n regus	42			
E	The vehicle in question	nulled over at	the BP	das station :	which i	s loca	ted	at 4415	5
	Broadway near one of the								,
C	occupant of the vehicle								drick
U	Thomas 07/06/1979. Upon								
S	coming to a complete sto								
	for Thomas Florida driv			_	_				
S	I was speaking to Thomas roll down the passenger			_					
۸	down the window to which		-		_				
E	she was unable to see The	omas that well	because	of the tint	s that	he had	on	his rer	ntal
E	vehicle. Because of my					•			
N.	side and the possible of: Thomas step out of the ve								
	vehicle so that officers								
	stepped outside of the vo	ehicle he was w	earing	a sweater and	i what	appear	ed t	o be pa	ijama
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	from Thomas' left rib car			-	_				
	concealed underneath his a knife on him. When I be								
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ᆟ	SWORN AND SUBSCRIBED BEFORE ME			M	<u> </u>	··········			
Ä	4-76	17		IJE		- 20	28	CA.	
ř	MCGINLEY, ROBE			SIGNATURE OF AR	RESTING / IN	VESTIGATING	PED	\sim \sim \sim \sim	IED I
ST R	NOTARY PUBLIC / CLERK OF COURT / OFF	ICER (P.S.S. 1114 (10)		ge area. I the signature of AF ROSARIO.	MICHAE	L (02	0267	118 20)1
402-2-STR4F->E	02/07/2021 DATE						,	-02	
Ĕ	· · · · · · · · · · · · · · · · · · ·				2/07/20 DATE	6 .			1 c= 2

OSTS Number		PROBABLE CAU		· .	2: N.T.A:	. Request f 4. Request			JUVENILĘ
Agency ORI Number FL 0500800 Charge Type: Check as earny The Check as earny	Agency Name WEST PALM BL	EACH POLICE		9 4	2021- Special Note		947		
Exply. 1.2 Traffic Felony	4. Traffic Misdemean	nor D 6 Other				· ·	· · · ·		
amo (Lost, First, Middle) THOMAS, RODERIC	K GERMAINE	Altos				Race	Sex M	07/06/	1979
range Description		A11.4.14	Charge Description	in L					
90.23(1A) POSSESS WEA	PON OR AMMO BY CO	NVICTED FELON	790.07(2) POS Charge Description	SESSION	OF A FE	REARM	DUR	MG FELO	NY
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dine Name (Lest, First, Middle)						Race.	Sex	Date of Birth	
cal Address (Street, Apt. Number)	(City)	(State)	(ZIp)	Phona			Addr	ss Source	1 4
usinces Addrese (Name, Street)	(City)	(State)	(Zip)	Phone		}-	Occu	pation	
									<u> </u>
WPBPD police vehi While, I was trav Benz bearing Flor Broadway Ave. I o	eling east boun ida Tag: EVSM32 oserved said ve	d driving eased on said strateling each chicle fail to	st bound in reet, I obse ast bound or o come to a	the 6 rved 39th compl	00 blo a blac Stree ete st	ck o k in t app op a	coloroac t 39	th Strong ching th Str	eet. cedes eet and
WPBPD police vehi- While, I was travi- Benz bearing Flore Broadway Ave. I of Broadway Ave. I of Wiolation. The for The vehicle in que Broadway near one occupant of the vehicle in the vehicle of Thomas 07/06/1979 coming to a complete for Thomas Florical down the passion of the vehicle. Because with the possion of the vehicle in the veh	cle (x2067), an eling east bounded a general said version pulled or of the gas pumphicle who was been at the senger window to which at this see Thomas my particle of my partner ble officer said the vehicle and the vehicle has faced me when rib cage area at the legan page.	d driving eased on said straveling ease to stop on said straveling ease what traver at the Brown are what traver at the Brown are what the Brown are identified to Thomas, I stop sign or ness to which ner Officer has on the vehicle point he refet well because the well because the stop sign of the traver and the straver a clear was wearing the got out the straver at	st bound in reet, I observed. I observed: P gas static ade contact fied by Flor I informed In 39th Street N. Roberts state, he was diffused to do se of the ting able to posed on so the traffic view of his I a sweater of the vehithought the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as to the ted a pat delown, I felting as the ten as the ted a pat delown, I felting as the ten	the 6 rved 39th comple in r on whi with rida D im the t and signal riving so. O nts t see T see T and whi cle I bulge wn to the	00 blo a blac Stree ete st egards ch is the dr rivers at he Broad produ ed to . I as fficer hat he homas I made with T and p hat ap obser was t insur distin	ck ok in tap of a loca iver Lice was way ced me to ked from the homan erson pear wed he he ct s	f 39 coliproa t 39 the ted and ense stop Ave. imma o the dec s ou n. We ed to a bu andl omas hape	th Street or Merching th Street trafficat 441 sole as as Reped for I the distel we Thomas to rts adhis repasser is ion to fine the obe police of a did nof the of t	eet and codes codrick r not n asked y. As mas roll vised ntal nger to have eet and knife ot have
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MPBPD police vehically	cle (X2067), an eling east bounded a trage EVSM32 between said very bonducted a trafflowing events as the gas pumphicle who was a Upon speaking etc. Stop at the la drivers licer Thomas my part of the see Thomas that of my partner ble officer said the vehicle and ficers could he ficers could he spaced me when the page area the began page firearm near a teme.	d driving eased on said straveling ease hicke fail to fice stop on sare what transver at the Brown are what transver at the Brown are what transver at the Brown are officer to Thomas, I stop sign or ness to which ner Officer to the vehicle point he refet well because the well because the point had complete the avea clear verse was wearing in he got out the first I to So I conduct the transver and the set of the transver and the set of t	st bound in reet, I observed. I observed to a said vehicle of the complication of the traffic of the traffic of the vehicle of	the 6 rved 39th 39th comple in r on whi with rida D nim the t and signal riving so. O nts t see T	00 blo a blac Stree ete st egards ch is the dr rivers at he Broad produ ed to . I as fficer hat he homas I made with T and p hat ap obser was t insur distin place	ck ok in tappop a of loca iver Lice was way local had from the homal erson be are defined to the local definition of the local	f 39 coloros pros t 39 the ted and ense stop Ave. imma o har Thom Robe on the dec s ou n. We ed to andle omas hape omas	th Street or Merching th Street trafficat 441 sole as as Reped for I the distel we Thomas to rts adhis repasser is ion to fine the obe police of a did nof the of t	eet. cedes cet and c odrick r not n asked y. As mas roll vised ntal nger to have he omas ajama ming knife ot have

JAIL

AND Itis in easet testimey which contends each other. Cole
Roseric commentes prejury. It should be aboted that.
This incident happen in 2021.

United States District Court Southern District Of Florida

Roderick Thomas Phintich State Of Florida Respondent

> Lourd Amendment Violation Come now the plaintiff and Respectfully ASK that this count review his probable Cause and determine if officer Rosario committed perjury and as ground would Argue,

FACT'S OF TIMES CASE

ON FEDRUARY 7, 2021 At 2142 A.M

Officer ROSARIO Stopped the Phintiff
for A miver traffic violation. The

Officer Alleges that the stop was

based on him observing the plaintiff care failed to come to a complete stop At 39th street and broadway, the plaintiff contend that this traffic violation never occurred.

In order to stop A vehicle lawfully, the officer must have observed a traffic intraction or traffic crime, Baden us state 174 503d 494, the 4th D. C. A. 2015, where vi United States 517 U.S. 806, or had a repsonable suspicion that A crime was about to or had eccurred.

Allegedly officer Rosario in his suppression hearing testimony stated that he was patrolling in his vehicle in a north-south Alleyway travelling southbound

Pga

when he observed this traffic violation, it should be noted that officer rosprio was under eath when he made this statement.

However in his probable cause Affidavit officer Rosprio NEVER MENTION being in AN Alleyway, in fact in his probable CAUSE AffidAvit he stated that "he was driving East bound in the 600 block of 39th street, At no time does the officer mention that he was traveling South board in a worth-south Alleyway before coming into contact with the Plointiff. The plaintiff contend that Officer Restario committed persury in

the suppression hearing and or his Probable cause Affidavil, officer Rosario Probable cause Affidavit constradict his Suppression hearing testimony. officer Rosario has no dash com or bedy cam video to test the officer Representation of what hoppen for the most of five city block. United States v. Martino less Field 318, WE have explicitly limited the franks Rule to cases of pergurious on recklessly false statements or omission made by police.

When the fourth Amendment demands A factual showing sufficient to comprise

probabate cause the obvious Assumption is that there will be a truthful showing, here in the instant case officer showed a disregard for the truth in his probable cause affidavit and or in his suppression hearing testimony, officer Rosario persurious statement and or Affidavit violates Franks.

While the constitution prohibition of making perjurious on recklessly false statements, it require that they be truthful in the sense that the information put fourth is believed, officer Rosario Never once mention being in an

Altequary in his probable cause affidavit,
perjury is committed the moment that
the person often the perjurious statement.

The supreme court has held that the constitution prohibits an officer from making perjurious or recklessly false statement or omissions in the information put fourth to establish probable cause, franks vi Delaware 438 vi si 154, it require that they be truthful.

IN LLOYD IN LEEPER 451 F. Supp 3d. 1314, this count held, A warrant Affidavit violates the fourth Amendment when it contains omission made intentionally or with A RECKLESSLY disregard for the Accuracy of the Affidavit, officer Rosario has shown

A complete disnequed for the accuracy of his probable cause affidavid and in the process committed pergury. This method of law enforcement in using a folse probable cause affidavid is outrageous police misconduct which violated the plaintiff right to due process.

Wiggins in Florida Department of Highway
SAFETY And motor vehicles, 209 sosd 1165,
A circuit court applies the correct law
by rejecting efficer testimony as being
competent, substantial evidence when
that testimony is contrary to and
lefuted by objective real time
video evidence, there in the
Plainliff case officer Rosario body

CAM video contradict his probable cause Affidavit and his in court testimeny, in both instante officer Rosario was under each when he committed perguey.

Duke vi state 82 so 3d 1155, based on the video, the officer report and the testimony from the officer himself, the county court concluded that the officer true motivation for the stop was either the alleged tag violation or failure to maintain a single lane, both of which the state conceded were not valid bases for a stop.

The plaintiff ASK What whis could reject the officer testimony and his probable

CAUSE Affictorit And find that the officer did in fact commit pergary, the plaintiff Also ASK that this court hold officer Rosario Accountable on two courts of pergary.

Fourth Amendment violation are subject to the exclusionary Rule, the plaintiff ASK that this court exclude All the Evidence obtained and discharge the plaintiff from his conviction.

RESPECTFULLY Submitted
Roderick Thomas

CENTIFICATE OF SERVICE

I hereby certify that A true and correct copy of this brief was funish this 1th day of september 2024 to All interested partie